

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVITA M. KEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:19-CV-767-ECM
)	
HYUNDAI MOTOR)	
MANUFACTURING, ALABAMA,)	
LLC; HYUNDAI ENG AMERICA,)	
INC.; and DYNAMIC SECURITY,)	
INC.)	
)	
Defendants.)	

PLAINTIFF'S MAY USE EXHIBIT 14

PAGE 02/02

F00007

BATES

ENTERPRISES, INC.

I, Davita Key would like to file an official complaint of discrimination against Hyundai, Ms. Cassandra Williams, and Ms. Gloria Robinson. I believe that I have been discriminated against on the basis of my current hairstyle (dreadlocks) ~~and~~ and also because I told Ms. Gloria Robinson that I was pregnant on Mon., July 3, 2017. This discrimination has started since my first day on the job and makes me feel threatened and as if I will be working in a hostile environment.

Davita Key 8-1-17

51 HOLLYWOOD BLVD. ♦ CHILDERSBURG, ALABAMA 35044
(256) 378-6118 ♦ (800) 378-6142 ♦ FAX (256) 378-6645



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

Please immediately complete this entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, within 180 days or in some places within 300 days of the alleged discrimination. When we receive this form, we will review it to determine EEOC coverage. Answer all questions completely, and attach additional pages if needed to complete your responses. If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "N/A." (PLEASE PRINT)

1. Personal Information

6/14/2017 3:27 PM

Last Name: Key First Name: Davita MI: M
 Street or Mailing Address: [REDACTED] Apt or Unit #: C
 City: Montgomery County: Montgomery State: AL Zip: 36117
 Phone Numbers: Home: () Work: ()
 Cell: [REDACTED] Email Address: [REDACTED]

Date of Birth: [REDACTED] Sex: ☐ Male ☒ Female Do You Have a Disability? ☐ Yes ☒ No

Please answer each of the next three questions. i. Are you Hispanic or Latino? ☐ Yes ☒ No

ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaskan Native ☐ Asian ☐ White
☒ Black or African American ☐ Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? _____

Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: Quartez Key Relationship: husband

(b) (7)(C) 1 Line Redacted

2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

☒ Employer ☐ Union ☐ Employment Agency ☒ Other (Please Specify) Ms. Gloria Robinson

Organization Contact Information (If the organization is an employer, provide the address where you actually worked. If you work from home, check here ☐ and provide the address of the office to which you reported.) If more than one employer is involved, attach additional sheets.

Organization Name: Hyundai
 Address: 700 Hyundai Blvd County: Montgomery
 City: Montgomery State: AL Zip: 36105 Phone: (334)
 Type of Business: car supplier Job Location if different from Org. Address: _____
 Human Resources Director or Owner Name: Dr. Ray Cuthbert Phone: (334)
 Number of Employees in the Organization at All Locations: Please Check (X) One
☐ Fewer Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☒ More than 500

3. Your Employment Data (Complete as many items as you are able.) Are you a federal employee? ☐ Yes ☒ No

Date Hired: July 21, 2017 Job Title At Hire: mail clerk
 Pay Rate When Hired: \$13.00/hr Last or Current Pay Rate: \$13.00/hr
 Job Title at Time of Alleged Discrimination: mail clerk Date Quit/Discharged: Aug. 1, 2017
 Name and Title of Immediate Supervisor: Maurice, (title unknown)

If Job Applicant, Date You Applied for Job _____ Job Title Applied For _____

4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

☒ Race ☐ Sex ☐ Age ☐ Disability ☐ National Origin ☐ Religion ☒ Retaliation ☐ Pregnancy ☐ Color (typically a difference in skin shade within the same race) ☐ Genetic Information; circle which type(s) of genetic information is involved:
i. genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: _____

If you checked genetic information, how did the employer obtain the genetic information? _____

Other reason (basis) for discrimination (Explain): _____

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.
(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A. Date: July 31, 2017 Action: See attached.

Name and Title of Person(s) Responsible: Ms. Cassandra Williams, AMLO + Ms. Gloria Robinson

B. Date: Aug 1, 2017 Action: See attached

Name and Title of Person(s) Responsible Ms. Cassandra Williams, AMLO + Ms. Gloria Robinson

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

See attached

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?

no reasons given except I was told the Koreans who own the company didn't want Blks wearing their hair way

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated better than you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
-----------	---	-----------	--------------------------

A. _____

B. _____

Of the persons in the same or similar situation as you, who was treated *worse* than you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
-----------	---	-----------	--------------------------

A. _____

B. _____

Of the persons in the same or similar situation as you, who was treated the *same* as you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
-----------	---	-----------	--------------------------

A. _____

B. _____

Answer questions 9-12 only if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:

- ☐ Yes, I have a disability
☐ I do not have a disability now but I did have one
☐ No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

☐ Yes ☐ No

If "Yes," what medication, medical equipment or other assistance do you use?

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

☐ Yes ☐ No

If "Yes," when did you ask? _____ How did you ask (verbally or in writing)? _____

Who did you ask? (Provide full name and job title of person)

Describe the changes or assistance that you asked for: _____

How did your employer respond to your request? _____

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

Full Name	Job Title	Address & Phone Number	What do you believe this person will tell us?
-----------	-----------	------------------------	---

A. _____

B. _____

14. Have you filed a charge previously on this matter with the EEOC or another agency? ☐ Yes ☒ No

15. If you filed a complaint with another agency, provide the name of agency and the date of filing: _____

Dynamic Security (Aug 1, 2017)

16. Have you sought help about this situation from a union, an attorney, or any other source? ☒ Yes ☐ No
Provide name of organization, name of person you spoke with and date of contact. Results, if any?

I filed a complaint w/ Dynamic Security (the agency I was hired through) w/ Dr. Ray Currier on Aug 1, 2017

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

BOX 1 ☐ I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

BOX 2 ☒ I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

Dustin M. Key
Signature

8-2-17
Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974 (Public Law 93-579). Authority for requesting personal data and the uses thereof are:

- 1) **FORM NUMBER/TITLE/DATE.** EEOC Intake Questionnaire (9/20/08); 2) **AUTHORITY.** 42 U.S.C. § 2009e-5(b); 29 U.S.C. § 211; 29 U.S.C. § 626; 42 U.S.C. 12117(a)
- 3) **PRINCIPAL PURPOSE.** The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
- 4) **ROUTINE USES.** EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
- 5) **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION.** Providing this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.

November 2009

4

Davita M. Key
[REDACTED]

Montgomery, Alabama 36117
[REDACTED]

Place of Employment

Hyundai

Ms. Cassandra Williams, Ms. Gloria Robinson

700 Hyundai Boulevard

Montgomery, Alabama 36105

(334)387-8909

I began working for Hyundai (Dynamic Security) on July 31, 2017. On the first day of working I was sent home because of my hairstyle (dreadlocks), and also because I informed my employer that I was pregnant. I had given Ms. Gloria Robinson and Maurice a letter from my doctor which indicated that I had no work restrictions.

I was dismissed on Tuesday, August 1, 2017 after filing an official complaint with Dr. Ray Cureton (the IIR Department of Dynamic Security).

I wish to file a charge of discrimination for race and gender, pregnancy discrimination and retaliation due to my exercise of protected activity by filing a complaint of discrimination with my employer.

Incident Detailed:

On Wednesday, July 19, 2017, I was interviewed for a position as a mail clerk at the Hyundai Plant in Montgomery, Alabama by Ms. Gloria Robinson and Maurice. I went through the entire interview; with no mention of my hairstyle (I currently have neat locs (dreadlocks)). Ms. Robinson went and got her manager Cassandra Williams to ask if my hairstyle was okay and Ms. Williams turned up her nose and asked if I could take my hair down and I replied no unless I were to cut it. Ms. Williams also asked Ms. Robinson what was the policy of Dynamic Security, since this was the agency that my employment would go through and Ms. Robinson did not give an answer, but simply said she did not think I could have them. I showed both Ms. Williams and Ms. Robinson a picture on my phone of an updo style I had my locs in and they said that was ok. On Friday, July 21, 2017, I received an email from Ms. Gloria Robinson saying that I was hired for the position of mail clerk. On Thursday, July 27, 2017, I had training at the Dynamic Security office and after that training, I asked an employee at Dynamic Security, Nicole, if my hairstyle was okay for their company's policy (as I was told throughout my initial interview, that I was employed by Dynamic Security for Hyundai and that Dynamic Security were the individuals who (direct quote) "signed my checks." Nicole informed me that my hair was neat and that there was nothing wrong with my hairstyle and she was not sure why anyone would have said anything to me concerning it. On July 31, 2017, I reported for my first day of work. While I was waiting to receive my badge, Ms. Cassandra Williams came into the building, spoke with me and saw me and that my hair was the same as in my interview and said nothing about me changing my hairstyle. After seeing Ms. Gloria Robinson and getting instructions from her, I pulled her (Ms. Gloria Robinson) and Maurice (who I was told was my immediate supervisor) to the side and informed them that I was pregnant. I handed them a note from my doctor, Dr.

Latoya Clark, stating that I had no restrictions and was able to fulfill all duties and also I handed them a paper that had my next scheduled doctor's appointment on it so they would know in advance. I went back to wait for further instruction. Ms. Robinson went to her back office, which she shares with Ms. Cassandra Williams, maybe 10 minutes later, Ms. Williams came out twice, the second time she came out she asked me what about my hair. I informed her that the topic of my hairstyle came up at my training at Dynamic Security and they informed me that as long as my hair was neat that my style was appropriate. She then in a loud and agitated voice said well it's not what they say it's what I say and even their handbook says no dreads. I then informed her that the handbook says that females hair have to be neat. She then stormed off. I was taken by Tanya, to be trained and maybe 30-45 minutes after being with Tanya, she received a call to bring me back to the office. I went into the office with Ms. Cassandra Williams, Maurice and eventually Ms. Gloria Robinson joined. Ms. Williams in a stern voice said, "You can't have your hair like that and work here because that's what our policy says." I then asked if I could see the policy and she then replied, I don't have to show you anything. She said that statement twice and then said I will show you but I do not have to. I went to her computer and the policy was in a Microsoft word document on her desktop and at the top it said n bold female uniformed officers. I explained to her that I would be working in the mailroom and was not an officer and she said that does not matter. She then asked me again what I was told at Dynamic Security and I told her they said that my hairstyle was ok. She informed me that well Dynamic has plenty of jobs so if they want to send you to another job then they can but you can't be here with your hair like that. She said the only thing in the policy that had changed was that females could wear braids and I asked her what was the difference in braids and my loes and she said the name and professionalism. Ms. Robinson said that with braids, one can see the person's scalp. I then asked, if you are able to see my scalp, will my hair be okay as such. Ms. Williams and Ms. Robinson just looked at me. Ms. Williams said that I needed to call my stylist and get my hair changed and I informed her that my stylist doesn't work on Tuesdays and today, I was unsure if she was available and also that I would have to drive to Auburn, Alabama because that's where she was located. I then asked Ms. Williams, what did she want me to do for today, go home or stay and she said she was not going to tell me to go home. I said the only alternative, if I cannot be here is to go home and Ms. Williams said I am not saying go home with her hands in the air. I then said, well, I choose to stay and Ms. Williams then said unless you want to wear a hat, all day, every day, but strictly said A.I.I, of my hair had to be covered. I then reiterated what she said and asked so I can wear a hat, and Ms. Robinson said well it can't have a logo. I told them that I had a gray casual hat at home and that I could get it but I stayed 30 minutes away, that is when Ms. Robinson said, well why don't you go home for the day and contact your stylist and we will take it from there. I said okay and went to my car and left. Maybe 5 minutes after I left, Ms. Robinson called from (b) (7)(C) 1 Line Redacted and asked me when my child was due, I informed her in January and she said does your doctor know you will be lifting boxes? I let Ms. Robinson know that I informed my doctor, Dr. Latoya Clark, of all the job responsibilities that I was to have and she cleared me to do those duties, hence the note she wrote to my employer. I also informed Ms. Robinson, that while I worked for the United States Post Office, I worked until I was nine months pregnant doing the same work. She said ok and hung up the phone. I am filing this charge for both racial discrimination and pregnancy discrimination. My hair to me is what a hijab symbolizes to a Muslim, it is a part of my identity and who I am. Ms. Williams saw my hairstyle when she first sav me and did not say anything was wrong with it, she did not approach me until after I told Ms. Robinson that I was pregnant and Ms. Robinson went to their office.

I returned to work on Tuesday, August 1, 2017 and I complied with Ms. Cassandra Williams request and I wore a hat in which all of my hair was covered. After arriving to work, I went to my job site with my trainer Tanya. Tanya and I made our rounds and when we reached the security building, we went into the office of Ms. Gloria Robinson and Ms. Cassandra Williams and neither acknowledged me. Ms. Robinson kept her head down and Ms. Williams just gave me a cold look. On the ride back to the mailroom, my co-worker/trainer, Tanya, asked me why they sent me home on yesterday (Monday, July 31, 2017) and I told her because of my hair and that I did not think that was right but I could still work with them. Maybe 20 minutes after returning to the mailroom, Tanya received a call that Maurice was coming to get me. Once Maurice came, I gathered my things and we went to the security building, where Ms. Robinson and Maurice met with me in the conference room. Ms. Robinson asked if anything was wrong with me and unsure of what she was referring to, I said no that I was fine. I then went on to explain that I wore a hat today as Ms. Williams said I could because I was unable to get a hair appointment. Ms. Robinson informed me that this meeting was not about my hat and readjusted herself in her chair and said so you feel discriminated against and I just looked at her. I told her I had no comment and she then said so you do and I said I did not say that. I asked if she had a recording or proof that I said that and she then said that Tanya told her that I felt that way. I wanted to say yes, I feel discriminated against but all I could think about was how on yesterday (Monday, July 31, 2017) and the short time I was there today, (August 1, 2017), how these women had treated me and did not want to cause anymore problems for myself so I said I did not say that. Ms. Robinson went on to inform me that the Koreans were a different breed of animals and that they send little memos saying that they do not want African-Americans wearing their hair in the dreadlock hairstyle because they have VIP clients, such as the mayor of Montgomery, Alabama and it is not a good look. She then said that me asking to see the policy on yesterday was a bit off but she understood why but still I should not have gone to Ms. Williams like that. I then said that I only wanted to see the policy because I wanted to see it written what I was to adhere to and that by law they should let me see the employee handbook, so I am aware of the rules and regulations. Ms. Robinson then said the handbook was posted and I informed her that I was not told anything of Hyundai's policies because in my interview, it was stressed that I work for Dynamic Security. She then said that I do work for Dynamic Security but I have to go by Hyundai's criteria and I told her I was never given a copy of their criteria. Ms. Robinson then said that I was going to be a problem and that this situation was going to be a problem. And she asked if this was how it was going to be until (referring to me having my child). I asked Ms. Robinson what the solution was and did she want me to remove my hat and she is a loud and agitated voice said this meeting is not about your hat. After meeting with Ms. Robinson, I felt even more threatened by her and Ms. Williams attempts to intimidate me as an African-American woman who chooses to wear her nature hair and as a pregnant employee. Once at the mailroom, I asked Tanya what she had said and she confirmed that she told them I felt discriminated against and Tanya called Ms. Robinson and spoke with her but I had stepped out of the office. I was overcome with emotional stress to think that in 2017, I would be treated as such and that I would be judged because of my natural hair and because I am with child. I came back to the mailroom and I wrote up an official complaint against Hyundai, Ms. Cassandra Williams and Ms. Gloria Robinson and they sent Maurice to the office and I handed him the complaint. I told Maurice that I would like to file an official complaint against them with the Human Resource department and he said you can talk with Ms. Williams or Ms. Robinson. I thought of the encounters that I had already had with them and told him that I would feel more comfortable talking directly with HIR because I thought the way they talked to me and handled me where demeaning, disrespectful and created a hostile environment for me and emotional/mental anguish. Maurice then told

me that I would have to go to Dynamic Security and speak with Ray Cureton. I asked if I left would I be able to return to work after the meeting and he said well that's up to you. Maurice gave me permission to leave the job to speak with Dr. Cureton and he assured me that after my meeting I would be able to return to work, I said ok and left. Once I reached the Dynamic Security office, I spoke with Dr. Cureton and I told him what has transpired just as I have outlined above. Dr. Cureton, had Nicole sit in on the meeting, throughout the meeting, Nicole made remarks to the effect that I was fighting a downhill battle and did I really think that I would be fruitful at the end. Nicole, even stated that filing a discrimination claim is a a serious offense, which I took as to discouraging me to follow through with my complaint. Dr. Cureton then told me that Ms. Williams informed him that they did not want me at the job site anymore. I asked Dr. Cureton why and he replied because of your hair and something else but I do not want to put words in their mouth so I will wait until they send over the paperwork. Dr. Cureton, apologized for how I was treated and asked for my Hyundai badge and then informed me that he would send the copy of the complaint that I wrote up and gave to Maurice, Ms. Gloria Robinson and Ms. Cassandra Williams to the Dynamic Security IIR department in Birmingham and that he would get back with me in a couple of days so I can review the documents saying why I was dismissed from Hyundai. As I left the office, Nicole walked me to the car and told me that she had "really" been discriminated against and kept trying to tell me that unless I was going through with this complaint just because, that I was fighting a losing battle, again having me feel as if she were attempting to discourage me from filing an official complaint.

Date of Incident

Monday, July 31, 2017 and Tuesday, August 1, 2017

Reason for Discrimination

I believe I was discriminated against both racially and due to me being pregnant, and I was retaliated against for exercising protected activity, i.e. filing a complaint with IIR.

Davita M. Key

August 1, 2017